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PATENT  
514413-3886

AF 1636  
IFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : SPRUNCK, et al.  
Serial No. : 09/899,718  
For : PROMOTERS FOR GENE EXPRESSION IN CARYOPSES  
OF PLANTS  
Filed : July 5, 2001  
Examiner : D. Sullivan  
Art Unit : 1636

745 Fifth Avenue, New York, NY 10151

**EXPEDITED PROCEDURE**  
**RESPONSE AFTER FINAL ACTION**  
**UNDER 37 C.F.R. 1.116**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop AF P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Marilyn Matthes Brogan, Reg. No. 31,223

Name of Applicant, Assignee or Registered Representative

*Marilyn M. Brogan*  
Signature

August 24, 2004

Date of Signature

**SECOND AMENDMENT AFTER FINAL OFFICE ACTION**

Commissioner for Patents  
Mail Stop AF  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the final Office Action mailed on December 29, 2003, setting a three-month term for reply, and further to the Advisory Action mailed on July 9, 2004. A Notice of Appeal was filed on June 24, 2004.

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DS